

Board of Selectmen
Tuesday, July 23, 2013

Present were four selectpersons and the Asst. to the Town Administrator; Selectperson Wilkinson and the Town Administrator were not in attendance.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Mill Pond Dam Citations from Senator Tarr and Ann Margaret Ferrante: Special recognition was presented to Sam Coulbourn, who has contributed substantially to Rockport. For revitalizing Mill Pond Dam, the town is also being recognized. Senator Tarr said the veto override should be taken up next week. Citations from the House of Representatives and the Senate regarding the contribution of Sam Coulbourn that resulted in the revitalization of the Mill Pond Dam were presented. Senator Tarr and Rep. Ferrante also read citations recognizing the town. Sam Coulbourn stated that he is pleased that the whole group is being honored (Millbrook Meadow Committee, DPW, Garden Club, and other groups) that participated, and stated that no one individual alone could accomplish what all these groups achieved.

Mill Pond Dam
Citations

Approval of Corrected Minutes of June 11, 2013: Selectperson Lucas moved that the Board of Selectmen approve the corrected minutes of June 11, 2013 to correct a date submitted in error. Selectperson Murphy seconded, Vote: 4-0. Amendment: pg 2, MBTA briefing, change to "the scaled down version of what they proposed".

Approval of
Corrected Minutes
of 6/11/13,
Motion Approved

Approval of Minutes of July 9, 2013: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of July 9, 2013, Selectperson Murphy seconded, Vote: 4-0. Amendment: page 2, Selectmen updates, 3rd line, it took over eight hours to post the signs. Page 5, bottom paragraph CATC, Chairperson Battistelli questioned if there was a window of time for the town to provide comments on the "changed proposal". Page 6, CATC, last sentence, change to "without giving up rights to the harbor that we should not give up".

Approval of Minutes
of 7/9/13
Motion Approved

Selectmen Updates and Liaison Reports: Selectperson Murphy questioned some work going on in front of town hall; a tree was taken down. M. Vieira said the tree wasn't healthy; a new tree has been planted and some other landscaping has taken place. It was mentioned that a letter was received on July 8, regarding the senior center on the day of the of tornado scare. They wanted to express thanks to Paula and Diane Bertolino because while the individuals were playing bingo, they were warned that things were getting concerning. They relocated to the basement after receiving the warning. Selectperson Lucas stated that on 8/2/13 grant applications are coming out. M. Vieira stated that the engineering office has been reminded, we will have something to send in on the dam build to include sea wall repair, hoping to get something back for it.

Selectmen Updates
and Liaison Reports

Public Comment Period: Toby Arsenian, 95 Granite Street, commented on the Tool Company and Traffic & Transportation Committee; he stated he would like

Public Comment
Period

to speak when they are on the agenda tonight. He questioned if there is a fee for the Tai Chi Class at Millbrook Meadow, and for scuba diving, if so, how much.

Frances Fleming would like to speak when the scuba diving and the community house rules come up on the agenda tonight.

S. Jacques, 93 Granite Street, stated that there is an app for smart phones, for the Commonwealth of Massachusetts. It allows citizens to input questions for their governing bodies, it goes directly to that entity and the governing officials can respond. He stated that this could be an extremely valuable tool and it's free, it could take some time, though, for the officials to respond to complaints/inquiries. M. Vieira said he is familiar with some of these apps, and he has passed the information on to the IT Technology Director. The newly devised website for the town can be equipped with something similar. S. Jacques also inquired why the Rockport Hearse House has plywood on it. Chairperson Battistelli stated it will be looked into.

Zenas Seppala, 92 Granite Street, said he looked on Cape Ann Cable TV last Saturday for the taped recording of the most recent Selectmen's meeting; it wasn't available. He would like to get perspective on what was discussed at the last meeting as he couldn't attend the meeting. He spoke to Alex Strysky/DEP regarding the license, applicant hasn't responded to public comments yet. He stated that he understands that it may be September before a decision is made.

Town Administrator's
Report

Town Administrator's Report: M. Vieira stated that Community House sound proofing project is underway; the building is closed this week and next, the Senior Center is closed this week. Public Works has completed the base coat on the 2nd floor, the noise is already muffled. The next step will be the paneling downstairs. He stated that the Long Beach Forum is scheduled for 8/15/13, at 6:30 pm, in the Brenner Room at Library. All scenarios that have been brought forward are being addressed. An updated version should be going out to Board of Selectmen members over the next couple of weeks. Selectperson Murphy recommended contacting the Town of Essex to learn what they've done regarding Conomo Point. Chairperson Battistelli stressed press coverage (newspaper) to make sure residents are aware of this forum. M. Vieira said the Kopelman & Paige meeting on the Open Meeting Law and the Conflict of Interest Law was very successful; it was well received. Selectperson Murphy stated that there was no charge from Kopelman & Paige for this event. He stated that he found it disingenuous that public officials can only accept gifts worth \$50 or less but that legislators voted to be exempt from the law. He stated that this event should be held every two years for new committee and board members. Chairperson Battistelli informed the group about the Attorney of the Day available from the Commonwealth of Massachusetts; it is available for elected and appointed officials. She said you go to Mass.Gov, then to Mass. State Ethics Commission, and hit "contact". Toby Arsenian, 95 Granite Street, said regarding Long Beach, Little Neck in Ipswich should be looked at as well.

7:30 Action List

Action List

Interview of Stephen DeMarco for the Historical Commission: Selectperson Sheedy moved that the Board of Selectmen reappoint Stephen DeMarco to the Historical Commission, Selectperson Lucas seconded, Vote: 3-0. S. DeMarco said he would like to continue doing the work; he enjoys it. He said he works for a small architectural firm, and has twenty-six years in the field. He continued that he has run several historical projects. He is the liaison to the Community Preservation Committee. Chairperson Battistelli recused herself and left the room; she stated that her husband had recently worked on a historical commission project.

Interview of
Stephen DeMarco
for Historical
Commission
Motion Approved

Open Fall Town Meeting Warrant: Selectperson Murphy moved that the Board of Selectmen open the warrant for the September 9, 2013 Fall Town Meeting, Selectperson Sheedy seconded, Vote: 4-0. Selectperson Murphy said residents have questioned him regarding why two town meetings are held each year. It was stated that it is in the by-laws currently, Selectperson Murphy suggested looking into this. S. Jacques commented that it evolved that the FTM would take away all the financial items from the STM. The state is late getting information to the Finance Committee. The Fall Town Meeting would be non-financial; Spring would be primarily financial; as the tax rate must be set. Frances Fleming said that it was decided that the Community Preservation Committee should be in the fall because that didn't come out of the town budget. M. Vieira stated that 8/6/13 is the date to close the warrant; he asked that all articles be submitted as soon as possible to provide time for legal review, particularly by-law articles.

Open Fall Town
Meeting Warrant

Motion Approved

Treasurer BAN Certification: Selectperson Lucas moved that the Board of Selectmen certify that the maximum useful lives of the departmental equipment to be financed with the proceeds of the \$212,000 borrowings authorized by the votes of the Town passed April 6, 2013 in Article 6, Motion Number 2, Article 6A, Motion Number 2, and Article 6B, Motions Number 2 are hereby determined pursuant to General Laws chapter 44, section 7(9): Fire Gear with a maximum useful life of 5 Years, Mini Excavator with a maximum useful life of 15 Years and Dump Truck with Plow and Frame with a maximum useful life of 10 Years, Selectperson Sheedy seconded, Vote: 4-0.

Treasurer BAN
Certification
Motion Approved

Street Performer License for Etienne Perley: Selectperson Sheedy moved that the Board of Selectmen approve a Street Performer License for Etienne Perley for the 2013 summer season, Selectperson Murphy seconded, Vote: 4-0.

Street Performer
License for Etienne
Perley
Motion Approved

Street Performer License for Sergio Espinoza: Selectperson Murphy moved that the Board of Selectmen approve a Street Performer License for Sergio Espinoza for the 2013 summer season, Selectperson Sheedy seconded, Vote: 4-0.

Street Performer
License for Sergio
Espinoza
Motion Approved

Street Performer License for David Zeserson: Selectperson Murphy moved that the Board of Selectmen approve a Street Performer License for David Zeserson for the 2013 summer season, Selectperson Sheedy seconded, Vote: 4-0. He sings and plays the acoustic guitar.

Street Performer
License for David
Zeserson
Motion Approved

Street Performer License for Hunter Lessard: Selectperson Lucas moved that the Board of Selectmen approve a Street Performer License for Hunter Lessard for the 2013 summer season accompanied by a parent while performing (under 14 years of age), Selectperson Murphy seconded, Vote: 4-0.

Street Performer
License for Hunter
Lessard
Motion Approved

Action List:

Continued

Use of Back Beach by
Boston Scuba
Motion Approved

Selectperson Sheedy moved that the Selectmen approve the use of Back Beach by Boston Scuba to conduct diving lessons on July 27th, July 28th, August 24th and August 25th, 2013, Selectperson Murphy seconded, Vote: 4-0.

Selectperson Murphy questioned if there is some way that the town could generate revenue from groups like this. Frances Fleming, 12 Pleasant Street, said that last year on Old Garden Beach, divers were all over the park and the beach; probably 20 to 30 people with tanks, etc. Toby Arsenian said they're human too, they're conducting a commercial activity, what is the difference between the community house fees and this. S. Jacques stated they are conducting business because they're holding classes. Maybe they should be required to get a permit to teach a class.

Resignation of Michelle
Talisman from COA
Motion Approved

Resignation of Michelle Talisman from the Council on Aging: Selectperson Sheedy moved that the Selectmen accept the resignation of Michelle Talisman from the Council on Aging effective August 1, 2013, Selectperson Murphy seconded, Vote: 4-0.

Appointment of Ellen
Canavan to MBTA
Advisory Committee
Motion Approved

Appointment of Ellen Canavan to the MBTA Advisory Committee: Selectperson Murphy moved that the Selectmen appoint Ellen Canavan to the MBTA Advisory Committee for a one year term to expire on June 30, 2014, Selectperson Sheedy seconded, Vote: 4-0.

Nomination of Lawrence Stepenuck to the Harbor Advisory Committee: this is postponed until a subsequent meeting; the applicant was not in attendance.

Community House
Rules and Information

No vote taken.

Community House Rules & Information: It was decided that the COA and the DPW should weigh in as well as any member of the management board. No vote will be taken tonight. Chairperson Battistelli recommends that the fees remain the same but to add a \$30 kitchen fee that wouldn't be returned for each 4 hour event that uses the kitchen. For each 4 hour use or event there is a \$50 cleaning deposit that is returned if the building is left as it was found. Frances Fleming said that over \$3M was spent to restore the Community House; it should be affordable for most everyone in town to use for an occasion. She recommended increasing the cost for out of town people. The record of the total amount of fees collected to date from the use of the Community House should be obtained from the Office Manager. This will be run by the former committee, the DPW Commissioners and the COA before a final vote.

Community House
Facility Manager

No vote taken.

Community House Facility Manager: This newly proposed position would coordinate aspects for events held in the building, light cleaning is part of the role. No vote will be taken on this tonight. The job description will be submitted to the Personnel Board to set the stipend/pay rate.

Parking &
Transportation
Committee

Motion Approved

Parking & Transportation Committee: Selectperson Murphy moved that the Selectmen establish a Parking & Transportation Committee whose membership, term and charge are described in the committee description document dated July 23, 2013, Selectperson Sheedy seconded, Vote: 4-0. This committee will have a one year term; they will identify and document existing parking problems, research possible solutions, and document parking priorities (residents, business, etc.). Selectperson Murphy inquired how to advertise for members for

this committee, newspaper, etc. Chairperson Battistelli said maybe a Selectmen's corner, and include several other items as well. Toby Arsenian, 95 Granite Street, stated that there is no reporter from the Gloucester Times here tonight. He recommended contacting the editor about Rockport coverage. It was stated that the Beacon should be contacted as well. Selectperson Murphy said we can write press releases and they'll run them in the newspaper. S. Jacques inquired if the current Traffic Committee is being eliminated. Chairperson Battistelli said the current committee is not being eliminated; this is a different committee. She stated that the original committee is not charged with evaluating the downtown parking issues during the busy summer months and the meter discussions.

Parking &
Transportation
Committee

Motion Approved

Massachusetts Online Sales Tax Resolution: Selectperson Lucas moved that the Selectmen approve and sign a letter and resolution in support of requesting the legislative representatives of the Town of Rockport to declare any new revenues generated by the newly authorized online sales tax be used to reduce the Massachusetts state tax rate, Selectperson Sheedy seconded, Vote: 4-0.

Massachusetts
Online Sales Tax
resolution
Motion Approved

Tai Chi Class at Millbrook Meadow: Selectperson Murphy moved that the Selectmen grant permission to Carla Mattioli to conduct a Tai Chi class on Sunday mornings at Millbrook Meadow for the remainder of July, August, and September, Selectperson Lucas seconded, Vote: 4-0. The applicant, C. Mattioli, stated that she plans to accept donations from those that attend. Selectperson Murphy requested that M. Vieira look into any ordinance that prohibits events held during Sunday AM hours. Chairperson Battistelli stated that the Millbrook Committee supports this. Selectperson Sheedy inquired if there is a limitation on the number of people that can attend and on the hours that it can be held.

Tai Chi Class at
Millbrook Meadow
Motion Approved

8:00 Discussion Items

Discussion Items:

Cape Ann Tool Company: Chairperson Battistelli recapped what was covered at the last meeting. She stated that all public comments that were received were forwarded to the applicant; the DEP is still waiting for information from the applicant and a full plan. She has an update from the Conservation Commission on 7/10/13, a continued hearing on this project on the notice of intent on the in-water work is being held tomorrow night (7/24). She stated that six finger piers (2 boats each) will be located in the private tideland, as well as a transient slip, the water taxi is still in the plan. There will be no dredging for the pilings. Toby Arsenian, 95 Granite Street, stated that at the public hearing on Chapter 91 license, the public had a chance to comment. Now the project has changed, he questioned if the public will have a chance to comment on the changed plan. Selectperson Murphy said he would like to see this on the agenda until it goes through. M. Vieira stated that it was decided that perhaps a letter to the mooring holders before a meeting is scheduled would be helpful. S. Jacques, stated that there are two sets of mooring issues, one are the ones that are along the Tool Company wall on private property, four or five are out in the harbor; he continued that the owner needs to bring a barge in and those moorings were relocated to other areas within Pigeon Cove. He continued that the harbor and the traffic in the harbor need to be looked at. The state doesn't know what the modified project is; it is not certain if there will be another public hearing. Selectperson Sheedy stated that there has been a lot of misinformation on this; the moorings

Cape Ann Tool
Company

Discussion Items:

Continued needed to be relocated not to allow a barge but because the whole harbor had to be reorganized because of commercial boats that had to be moved.

Cape Ann Tool
Company

T. Arsenian, 95 Granite Street, stated with the public hearing on the Chapter 91 license, the public had a chance to comment. He questioned if there will be an opportunity to comment on a changed plan.

Chairperson Battistelli stated that the DEP is still waiting for information from the applicant. The hearing is continued tomorrow night at the Conservation Commission. There should be an opportunity for public comment on the changed plan, whether or not there is another public hearing; that is not known.

Z. Seppala, stated that he believes that this is a "done deal"; that the environmental issues are not of any concern to the town. The primary purpose of the Chapter 91 is for water dependent uses on water fronts. He said, eleven boats and ½ of a walkway; that is the extent of the public benefit. He questions how the original application was ever approved.

Chairperson Battistelli said we are able to respond to the information before us as the Conservation Commission can only respond to what is before them. The comments are in the town clerk's office if anyone wants to look at them. P. Orlando, building inspector, sent an e-mail to the Board stating that the property owner may be taking the chimney down today or tomorrow.

Other Business/Announcements: Chairperson Battistelli thanked M. Vieira, Asst. to the Town Administrator, for doing such a great job while the Town Administrator was out of the office.

9:20 Selectperson Murphy moved to adjourn, Selectperson Sheedy seconded, Vote: 4-0.

Warrant signed:

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 7/25/13 in the amounts of \$175,068.80 and \$153,377.79 respectively.

Items Signed:

Hunter Lessard, Street Performer License

David Zeserson, Street Performer License

Sergio Espinoza, Street Performer License

Etienne Perley, Street Performer License

Internet Sales Tax letter and resolution

Letter to Officials Murray and DeLeo on Mill Pond Dam funding

Alexander Cleaves, Street Performer License